IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1059 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL REKHABEN MAHESHKUMAR

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 1059 of 2002

MR RJ GOSWAMI for Petitioner No. 1

MR DN PATEL for Respondent No. 1

CORAM : MR.JUSTICE D.K.TRIVEDI

Date of decision: 25/01/2002

ORAL JUDGEMENT

Rule. Mr. D.N. Patel, learned Standing Counsel for the respondent authority waives service of Rule. By consent, Rule is fixed forthwith. Heard Mr. Goswami,

learned advocate for the petitioner. Mr. Goswami, learned advocate has taken me through the petition and documents attached thereto. In this petition, the petitioner has prayed for seeking direction that the respondent authority be directed to accept the application form and to process the same and issue passport showing the place of birth as Pilvai, Taluka : Vijapur, District : Mehsana as per the certificate issued in respect of birth of the petitioner by the Panchayat Authority namely the Taluka-cum-Secretary of Pilvai Gram Panchayat, Taluka : Vijapur, District : Mehsana dated 21st July, 1980 Annexure - B to this petition. It is the case of the petitioner that the application for passport submitted by the petitioner was not accepted by the Passport Authority on 6th December, 2001. While submitting the application for passport, the petitioner has annexed 6 documents as highlighted in Column no. 21 of the Application form. The petitioner has annexed one of the documents was school leaving certificate issued by the School Authority, namely the Principal, Sheth Girdharlal Chunilal High School, Pilvai, wherein, in column No. 3, the place of birth shows "Unjha Ta.: Siddhapur". The petitioner has also annexed the birth certificate and as per column no. 5 of the birth certificate issued by the Panchayat Authority, the birth place of the petitioner is shown as " Pilvai". The said certificate was issued by the Panchayat Authority on 21st July, 1980. It is the case of the petitioner that the application for passport of the petitioner was not accepted by Passport Authority on the ground that two documents namely school leaving certificate and the birth certificate show inconsistent place of birth. Annexure D is the affidavit of petitioner dated 4th December, 2001 disclosing that the petitioner was borne on 15th September, 1963 at village Pilvai, Taluka : Vijapur, District : Mehsana and in para 4 of the said affidavit, she has deposed that due to mistake in the school record, the school leaving certificate issued by the school authority mentioned the place of birth at Unjha. Annexure - E is the communication received by the petitioner in respect of the application made by Patel Keshubhai Shankarbhai addressed to the Chief Officer, Unjha Nagar Palika on 21st December, 2001, wherein, the Chief Officer has on the very day communicated that on verifying the birth register maintained by Unjha Nagar Palika and more particularly from the register dated 15th September, 1963, no birth registered in respect of Rekhaben, the daughter of Patel Prahladbhai Shankarlal and her application was filed.

2. Mr. Patel, learned Standing Counsel for the

respondent has submitted that the petitioner has placed reliance upon the school leaving certificate while submitting documents and birth certificate, which clearly shows inconsistence regarding place of birth. If, the authority is required to process the application even in absence of school leaving certificate, as in the present case, it is only when the petitioner has annexed the school leaving certificate, the authority is not required to entertain the application for passport looking to the inconsistent birth place of the petitioner in two documents. It is equally necessary for the authority while scrutinising of the application and if the document is not necessary, which were annexed alongwith the documents, the authority is required to explain the petitioner and even suggests for removal of the said documents and the authority was required to entertain such application, if it is permissible. Mr. Patel has submitted that the authority is not required to accept the documents attached by the petitioner, which were found inconsistent. In view of the fact, as found from the birth certificate issued by the Panchayat authority dated 21st July, 1980, showing place of birth of the petitioner in column no. 5 as "Pilvai", Taluka : Vijapur, District : Mehsana and further in view of the letter issued by the Chief Officer, Unjha Nagar Palika dated 21st December, 2001 that no birth was registered showing the name of Rekhaben in the registered dated 15th September, 1963, the authority shall examine the application of the passport of the petitioner and decide the same in accordance with law.

3. Mr. Goswami, learned advocate for the petitioner states that the petitioner will resubmit her application to the passport authority and Mr. Patel, learned Standing Counsel for the respondent states that the authority will examine the same and issue new passport in favour of the petitioner in accordance with law. It is directed that petitioner will resubmit her application with the certificate issued by the Panchayat Authority, as the same is issued by the panchayat and the same is genuine and thereafter, after verifying the application of the petitioner, the respondent shall issue passport to the petitioner.

4. With these observations, this petition is disposed of. It is further directed that respondent authority will be at liberty to pass appropriate order with regard to the costs of processing of new pass port and the petitioner is required to pay all the costs. Rule is made absolute with no order as to costs.

(D.K.Trivedi,J.)

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